



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

May 29, 2019

Matthew Hoppock
MuckRock News
DEPT MR 70088
411A Highland Ave
Somerville, MA 02144-2516

Re: FOIA 2019-24860

Dear Mr. Hoppock,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek certain e-mails related to "stacking".

Responsive documents are enclosed. Portions of the enclosed documents have been redacted in accordance with 5 U. S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy. The reason for redaction is clearly marked on each redacted portion. There will be no charge for the enclosed documents.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of

Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Joseph Schaaf

Joseph R. Schaaf
Senior Counsel for Administrative Law

From: [Paul, Nancy J. \(EOIR\)](#)
To: [Jones, Betty A. \(EOIR\)](#)
Subject: Re: Issues with scheduling individual hearings
Date: Wednesday, June 13, 2018 9:45:45 PM

Betty

U Salinardi will not be meeting with the AILA reps (The current position is that only ACIJ's can meet with AILA and only with preapproval).

I know U Salinardi is on leave so we'll need to wait to discuss this when he returns.

In the meantime, if (b) (6) reaches out again, please tell him the issue is being discussed and we will get back to him

Safe travels

Nancy

Sent from my iPhone

On Jun 13, 2018, at 8:30 PM, Jones, Betty A. (EOIR) <Betty.Jones@EOIR.USDOJ.GOV> wrote:

Hi ACIJ Paul, I hope all is well. I'm delayed at the airport and catching up on emails.

Could you advise on the AILA Rep.'s email below. My first thought after reading through the email is this would be something Gail may want to advise on. I think having an informal meeting including the judges could get a little muddy.

To give you a little history on the judge's new rocketing system. Judge Salinardi started stacking his cases after we were instructed to move in the 2022 merits. My suggestion to the judges was to schedule the cases to a next available merits date, which could be to another judge's docket. However, the 3 of them do not want to schedule cases to one another's docket. Therefore, Judge Salinardi arranged this system for scheduling his cases. "Piloting after the LA Court judges."

Please let me know what your thoughts are on the AILA Chapter's comments and request.

Betty

Begin forwarded message:

From: (b) (6)
Date: June 12, 2018 at 8:51:25 AM CDT
To: "Jones, Betty A. (EOIR)" <Betty.A.Jones@usdoj.gov>
Subject: Issues with scheduling individual hearings

Ms. Jones,

I am hearing a lot of concerns from members of the local chapter about the judges' scheduling of individual hearings. Specifically, there are concerns about IJ Salinardi double and even triple booking different individual hearings at the same time with the same attorney. This puts a significant strain on members of the private immigration bar. When the cases are double or triple booked, it requires the attorneys and respondents to be prepared for every hearing, even though there is little chance that all the individual hearings will go on that day. It is a long and arduous process to prepare a case for an individual hearing. Also if one or more of the cases gets continued than it is not like riding a bike. Circumstances regularly change and it is another arduous process to prepare the case again. This also creates a lot of uncertainty for the respondents themselves, who do not even know if their individual hearing will happen.

I would like to request an informal meeting between the IJs (most importantly IJ Salinardi) and leadership from the local AILA chapter to discuss these issues and see if we can come find a way to resolve these scheduling issues in a fair and efficient way. I understand there is a lot of pressure from EOIR headquarters on the processing of court cases, but I would appreciate at least the opportunity to discuss these issues fairly with the IJs and yourself.

Best regards,

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(b) (6)



CONFIDENTIALITY NOTICE:

The Missouri Bar Disciplinary Counsel requires all Missouri lawyers to notify all recipients of e-mail that: (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers through which it passes as it goes from sender to recipient; (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us through which the e-mail passes. I am communicating to you via e-mail because you have indicated your consent to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please advise me so immediately.

From: [Baker, Glen R. \(EOIR\)](#)
To: [Paul, Nancy J. \(EOIR\)](#)
Subject: Details
Date: Friday, June 15, 2018 12:23:20 PM

Nancy:

I talked to (b) and she is upset that the KC IJs put in for details to help other courts because it is disruptive to our dockets. We all understand that and we try to manage our cases to create as little disruption as possible. As someone who managed by myself for a year, I was extremely grateful for all the visiting IJs who came to help. (b) is really feeling the pressure of the new metrics, but I'm not getting the sense that we are overburdened especially when one IJ travels at a time. For example, I caught a late flight on Wednesday after the Conference based on being told that KC needed to address a very large detained MC docket on Thursday and an extra non-detained MC docket on Friday. Thursday's docket was not large - I was done by 10 AM and 2:30 PM respectively. I could have completed all of the cases in the AM and then completed two merits cases in the PM if we had communicated more effectively. I will talk to Justin and Jayme about ways we can communicate with (b) more effectively.

The three IJs have developed a unified approach to case management to maximize the use of courtroom time in light of the AG's recent decisions in E-F-H-L- and A-B-, effectively bringing our dockets back in time by providing notice to the private attorneys to narrow the legal issues and then stacking cases amenable to short hearings. We have tried to describe to (b) how we are scheduling and completing more cases with the same resources, but I'm not sure she understands our approach since it is based on new precedent decisions. Victoria and Antoya have pulled dockets for me and Jayme 6-12 months out so we can identify cases for completion much earlier than originally scheduled. Part of our problem are the cases which were taken off docket following the retirements of IJs O'Malley and Davis. Jayme and I have worked hard to pull those cases and reschedule them to speed up their completion and the bulk of those cases are now behind us. The three of us will try to do a better job communicating with (b) and coordinating details and leave so there are two of us in KC at any time, but I'm not sure there is a good reason at this point not to participate in details deemed priorities by HDQ.

Glen